

July 28, 2016

**Federal Communications Commission
445 12th Street SW
Washington, DC 20554**

In the Matter of

Request for Review of a Decision of the)	Administrator Correspondence Dated
Universal Service Administration Corp. for)	June 6, 2016
<i>Constellation Schools</i>)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Request For Review

In accordance with sections 54.719 through 54.721 of the Commission's rules, Constellation Schools through its consultant, requests Federal Communications Commission (Commission) review the decision of the Schools and Libraries Division of the Universal Service Administrative Company (Administrator). Based on the facts presented and clear precedent, Constellation Schools asks that the Administrator's decision be overturned.

Form 471 Application Numbers: 1048200, 1048181, 1050127, 1048121, 1048156, 1048076, 1048021, 1049824

Funding Request Numbers: 2861795, 2861818, 2861700, 2867941, 2867993, 2861420, 2861574, 2861168, 2861196, 2860936, 2866899, 2866999

Billed Entity Numbers: 16046293, 16035274, 16063497, 16027602, 16020915, 16040616, 16020918, 16040888

Form 486 Numbers: 1137396, 1137395, 1137394, 1137373, 1137414, 1137393, 1137391, 1137368

FCC Registration Number: 0019233444, 0015149271, 0020726162, 0013776802, 0013597182, 0016964447, 0013776752, 0013776364

Background

Constellation Schools, through its Consultant, filed an appeal to the Administrator to re-consider the service start date for the committed Funding Year 2015 funding requests listed above. Effective July 1, 2015, Constellation Schools lost its sole E-rate contact and the schools were left without information concerning Funding Year 2015 applications and guidance on how to move forward with E-rate matters. All correspondence was addressed to an individual no longer working with the schools and remained unchanged until March 2016. As a result, many PIA questions went unanswered, applications were denied, reimbursement forms for FY14 were not submitted and reminders to file Form 486s were not directed to the correct person.

Constellation Schools realized they needed assistance and sought guidance from E-rate Central in March 2016. Upon review of the schools' E-rate applications from previous years, we noticed that several Form 486s went unfiled and urgently prepared them for submission. By this time, the other issues needing correction were past their deadlines to appeal. USAC accepted the late Form 486s but changed the service start date to November 15, 2015, 120 days before the FCC Form 486 postmark date and four months after the service start date originally indicated on the applications. Upon notification of this change, we filed an appeal to the Administrator explaining the schools' staffing turnover and respectfully requested they adjust the service start date to July 1, 2015.

In correspondence dated June 6, 2016, USAC sent written notification that the request to adjust the service start date had been denied stating that "USAC mailed an "Urgent Reminder" letter providing you with additional time and a new deadline to submit and/or certify your FCC Form 486...It is the responsibility of the applicant to ensure that all forms are submitted to USAC in a correct and timely manner." (See Exhibit 1) Usually addressed to the Form 471 contacts, these letters would have been addressed to the former employee listed on the application. Since these letters were not sent using a trackable mailing service, there is no way to confirm how, when and if the letters were ever delivered or received.

Discussion

Constellation Schools through its Consultant, appeals this decision and requests the Commission overturn the denial to revise the service start date to the first day of the funding year as indicated on the FY15 Form 471s. We request this action based on clear precedent from the FCC.

On September 14, 2006 FCC DA 06-1871 (Alaska Gateway) granted 128 appeals to schools and libraries who had failed to timely file an FCC Form 486 noting that "that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to staff dedicated to pursuing federal grants, especially in small school districts. Even when a school official becomes adept at the application process, unforeseen events or emergencies may delay filings in the event there is no other person proficient enough to complete the forms" and also decided that waivers are "appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule."¹

As in Constellation's case, the schools faced two big problems during Funding Year 2015: their staff was grossly uninformed about the E-rate program and correspondence from USAC was directed to a former employee for nearly three quarters of the funding year. The schools' primary E-rate contact had filed applications for over a decade but left no known notes or guides for his successors to follow which created great challenges for those newly tasked to learn and understand the rules and requirements of the complex program. During this time, all notifications and correspondence from USAC were still being addressed to the old contact and without knowing, new staff missed important deadlines for several forms, Program Integrity Assurance questions and previous year reimbursements. Consequently, Constellation Schools were unable to collect reimbursements on committed FY14 funding requests, were denied funding on FY15 applications and now, may lose the opportunity to benefit from discounts on the full year of approved FY15 funding requests because staff new to the program did not know when or how to timely file Form 486s.

¹ FCC Order (Alaska Gateway School District) DA 06-1871, adopted 9/14/2006. 128 appeals of decisions granted to applicants for untimely filing Form 486.

The FCC has recognized the complexities of the program in many appeals and orders and has ruled that outcomes in which applicants would be denied access to discounted telecommunication and information services, conflicted with the intentions of the program. School budgets across America have been tightened due to our economic climate and student activities have often times been sacrificed to accommodate these constraints. The circumstances discussed herein illustrate the challenges faced by those struggling to put together the pieces of a puzzle left behind for them. Denying schools deserved funding conflicts with the spirit of the program and it is not the adults who are most affected by the circumstances but the students who they are expected to serve.

Conclusion

The E-rate program was designed to connect the nation's schools and libraries enabling all students a fair and equal opportunity to grow by offsetting the cost of telecommunication services through discounts. The intent of this program should not be compromised because the management team in place to secure this funding was ill-trained and former employees did not provide contingency efforts to smoothly transition out of their leadership roles. We respectfully submit this appeal based on FCC Order 06-1871 and emphasize that Constellation Schools has not committed any waste, fraud, or abuse with the associated funding requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kerri L. Dillon', with a stylized flourish extending from the end.

Kerri L. Dillon

E-Rate Coordinator, E-Rate Central